

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

CLERK *L. G. Anderson*
SO. DIST. OF GA.

RONALD G. LORD,)
)
Plaintiff,)
)
v.) CV 105-126
)
JOE PEEBLES et al.,)
)
Defendants.)

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Defendants have filed a motion to dismiss plaintiff's complaint, which is filed under Title 42, United States Code, Section 1983. As grounds for their motion to dismiss, defendants point out that plaintiff has not stated a specific demand for relief in the complaint, as he is required to do under Rule 8 of the Federal Rules of Civil Procedure. Doc. 43. Inasmuch as plaintiff is a prisoner proceeding pro se, the Court does not find it appropriate to dismiss his complaint because of a filing error. Instead, he should be allowed an opportunity to amend his complaint.¹ Accordingly, the Court recommends that defendants' motion to dismiss be DENIED.

Plaintiff has filed several motions for "adequate medical care" and seeking an injunctive order for defendant to provide medical services. Docs. 37, 41, 46, 47. Defendant

¹The Court will issue a separate Order directing plaintiff to amend his complaint.

Peebles responded to the motion by filing an affidavit with the Court indicating that, contrary to plaintiff's assertions, no physician has concluded that plaintiff's medical condition requires surgery, and that plaintiff is no longer in defendant's custody. Doc. 48. Because plaintiff is no longer in Defendant Peebles's custody, his motions for injunctive relief, Docs. 37, 41, 46, 47, which urge the Court to order defendants to provide medical services, should be **DENIED** as moot.

SO REPORTED AND RECOMMENDED this 16th day of February, 2006, at Augusta, Georgia.



W. LEON BARFIELD
UNITED STATES MAGISTRATE JUDGE